

SENATE BILL

No. 833

Introduced by Senator Liu

January 6, 2014

An act to ~~repeal and add~~ *amend* Section 4024 of the Penal Code, relating to jails.

LEGISLATIVE COUNSEL'S DIGEST

SB 833, as amended, Liu. Jails: discharge of prisoners.

Existing law authorizes the sheriff to discharge a prisoner from the county jail at a time on the last day a prisoner may be confined that the sheriff considers to be in the best interests of that prisoner. Existing law allows for the accelerated release of inmates, as specified, upon the authorization of the presiding judge of the superior court.

This bill ~~instead~~ would *additionally* authorize the sheriff to offer a voluntary program to a prisoner, upon completion of a sentence served or a release ordered by the court to be effected the same day, that would allow the prisoner to stay in the custody facility for up to 16 additional hours or until normal business hours, whichever is shorter, in order to offer the prisoner the ability to be discharged to a treatment center or during daytime hours. The bill would specify that this authorization does not prevent the early release of prisoners as otherwise allowed by law or allow jails to retain prisoners any longer than otherwise required by law without the prisoners' express written consent.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) City and county jails throughout California regularly release
4 jailed persons during nighttime hours.

5 (b) Persons released during late night hours are unable to access
6 basic reentry services, are susceptible to victimization, and may
7 jeopardize public safety.

8 (c) Persons released who are homeless are left to the streets
9 until morning, as most shelters close intake in the early evening
10 hours.

11 (d) Persons who suffer from mental illness or substance
12 addiction are unable to access immediate treatment services
13 following a late night release from jail.

14 (e) Many California counties have reentry centers that provide
15 a range of services and referrals for persons recently released from
16 jail, however, most centers are typically open during business
17 hours only, leaving persons released at night without these
18 immediate benefits.

19 (f) While some jurisdictions have attempted to address this
20 issue, there is no standardized policy in place to govern release
21 times.

22 (g) County detention facilities in Florida, Michigan, Nevada,
23 and New Jersey follow local procedures to release individuals
24 around 6 a.m. on the day they are ordered released, with an
25 exception made when bail is posted.

26 (h) Personal safety is a major concern for prisoners released at
27 night, particularly with regard to women released in urban areas.
28 Incidents of victimization following late night release are not
29 uncommon.

30 (i) Las Vegas Metro Detention Center in Nevada releases men
31 and women during the day and night, however, women released
32 at night are brought to a designated part of the city due to safety
33 concerns.

34 (j) Advocates and county staff in jurisdictions including the
35 Counties of Alameda, Los Angeles, San Francisco, and San Mateo,
36 have identified the late night release of prisoners as a serious public
37 safety issue.

38 ~~SEC. 2. Section 4024 of the Penal Code is repealed.~~

1 SEC. 3. ~~Section 4024 is added to the Penal Code, to read:~~

2 ~~4024. (a) Upon completion of a sentence served by a prisoner~~
3 ~~or the release of a prisoner ordered by the court to be effected the~~
4 ~~same day, including prisoners who are released on their own~~
5 ~~recognizance, have their charges dismissed by the court, are~~
6 ~~acquitted by a jury, are cited and released on a misdemeanor~~
7 ~~charge, have posted bail, or have the charges against them dropped~~
8 ~~by the prosecutor, the sheriff may offer a voluntary program to the~~
9 ~~prisoner that would allow that prisoner to stay in the custody~~
10 ~~facility for up to 16 additional hours or until normal business hours,~~
11 ~~whichever is shorter, in order to offer the prisoner the ability to be~~
12 ~~discharged to a treatment center or during daytime hours.~~

13 ~~(b) This section does not prevent the early release of prisoners~~
14 ~~as otherwise allowed by law or allow jails to retain prisoners any~~
15 ~~longer than otherwise required by law without the prisoners'~~
16 ~~express written consent.~~

17 SEC. 2. *Section 4024 of the Penal Code is amended to read:*

18 4024. (a) The sheriff may discharge any prisoner from the
19 county jail at such time on the last day such prisoner may be
20 confined as the sheriff shall consider to be in the best interests of
21 the prisoner.

22 (b) (1) *Upon completion of a sentence served by a prisoner or*
23 *the release of a prisoner ordered by the court to be effected the*
24 *same day, including prisoners who are released on their own*
25 *recognizance, have their charges dismissed by the court, are*
26 *acquitted by a jury, are cited and released on a misdemeanor*
27 *charge, have posted bail, or have the charges against them dropped*
28 *by the prosecutor, the sheriff may offer a voluntary program to*
29 *the prisoner that would allow that prisoner to stay in the custody*
30 *facility for up to 16 additional hours or until normal business*
31 *hours, whichever is shorter, in order to offer the prisoner the ability*
32 *to be discharged to a treatment center or during daytime hours.*

33 (2) *This subdivision does not prevent the early release of*
34 *prisoners as otherwise allowed by law or allow jails to retain*
35 *prisoners any longer than otherwise required by law without the*
36 *prisoners' express written consent.*